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August 15, 2022

Hon. Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

BY ECF

Re: *Securities and Exchange Commission v. Hurgin et al.*, 1:19-CV-
05705-MKV

Dear Judge Vyskocil:

We represent the Ability entities in the above-referenced action. We write to follow up on our letter of August 3, 2022.

I have this morning received instructions from Ability's Temporary Trustee (whom I previously termed the "Trustee") resulting from a decision of the Tel Aviv District Court made earlier today. I understand this decision follows from the Temporary Trustee's appointment and the Israeli court's stay of proceedings' order. In sum: we do not have authority to represent Ability or the Temporary Trustee at the oral argument set for August 18, 2022, and my instructions are not to appear.

I do not yet have a fully authorized translation of today's order, nor do I have the complete context of the motion that gave rise to it. An informal translation was communicated to me as follows:

With respect to the orders issued in my decision of July 26, 2022, within the framework of which *I ordered a stay of proceedings with respect of the company* (section 10 of the decision), from the reasons of the motion, given the discretion of the temporary trustee, and in light of the consent of the commissioner, and *taking into account that the examinations of the temporary trustee have not yet been completed and his position has not yet been formulated in view of the ongoing proceedings in the USA and this in light of the short time frame that has been available to him so far from the date of his appointment*, as well as due to the legal consequences that may arise from the appearance of the temporary trustee for the hearing in the USA proceeding as detailed in the motion, *I grant the request and exempt the temporary trustee from appearing for the hearing before the court in the Southern District in the state of New York in the USA for an oral argument scheduled for 18.8.22.*

In light of the relief requested in section 19 of the motion, and for the avoidance of doubt, it will be clarified that it is not possible for the companies' attorney to represent the temporary trustee.

(Emphasis added.)

Accordingly, it is my duty to inform the Court that I am instructed not to appear on behalf of Ability or its Temporary Trustee at the August 18, 2022, argument with respect to the various motions scheduled for hearing.

To be clear: it is my understanding that Ability is not withdrawing its opposition to the Commission's motion or (yet) otherwise changing its position. This letter relates only to my authority to appear on behalf of Ability as directed by the Temporary Trustee.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'S. Christopher Provenzano', with a stylized, flowing script.

S. Christopher Provenzano

Copies: All counsel by ECF
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